



# Department of Justice

## PROGRESS IN THE FIELD OF CIVIL RIGHTS

A Summary, January 20 to November 20, 1961

Equal opportunity and the protection of civil rights for all citizens has been an ideal of the United States since its creation. To bring this ideal closer to reality has been one of the principal domestic concerns of this Administration. President Kennedy expressed the Government's philosophy in his Inaugural Address when he said:

"Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans--born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage--and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world."

That Philosophy is being carried out. Progress is being made in every area of civil rights. Here is a summary of that progress.

### POLICY AND PLANNING

To achieve effective and consistent civil rights policies throughout the Federal government, the President has set up a Subcabinet Group on Civil Rights, at the Assistant Secretary level. This group meets monthly to coordinate federal programs. A Special Assistant to the President works closely with this group, which consists of representatives of the three principal civil rights agencies: the Civil Rights Division of the Department of Justice, the President's Committee on Equal Employment Opportunity, and the Civil Rights Commission.

The President also has taken steps to strengthen the Civil Rights Commission by nominating the deans of two distinguished law schools as members, Erwin Griswold of the Harvard Law School and Spottswood Robinson of the Howard Law School. The President also nominated an effective new staff director for the Commission, Berl Bernhard. All three nominations were confirmed by the Senate. The Commission's life recently was extended for another two years and its series of major reports and recommendations submitted to the President and the Congress in the past six weeks is an indication of its increasing vigor.

### VOTING

It is the responsibility of the Department of Justice, under the Civil Rights Acts of 1957 and 1960, to investigate and bring legal action when citizens are denied

the right to vote.

In voting cases, as in all civil rights cases, it has been the policy of Attorney General Robert F. Kennedy to seek effective guarantees and action from local officials and civic leaders voluntarily and without court action. Informal conversations to this end have been conducted in a spirit of mutual understanding and good will and agreements have been reached in numerous instances. Only where local officials have not taken action has the Department gone to court.

Before the change of administration, voting discrimination cases had been filed in six Southern counties. Under this Administration, all of these cases have been prosecuted vigorously--and successfully. Meanwhile, the Department has filed twelve new voting discrimination cases this year, including six in Mississippi, the first such cases ever brought in that state. Additionally, active investigations are under way in some 60 other counties.

The Department also has moved promptly when there has been evidence of intimidation against individual Negroes, as well as discrimination against Negroes generally. In September, for example, a Negro student leader working on a registration drive in Mississippi was beaten, arrested and prosecuted, by local officials. The Department brought suit in federal court to prevent his prosecution and this intimidation of other prospective Negro voters, and an order to that effect was issued by the United States Court of Appeals.

In another instance, Negroes who sought to register and vote in Haywood and Fayette counties, Tennessee were evicted from their tenant farms. On the Department's complaint, federal court orders were issued forbidding such economic intimidation. When these Negroes continued to suffer economically, to the point of hunger, the President directed the Department of Agriculture to make surplus food available to these counties.

#### EMPLOYMENT

The Administration took steps early to end discrimination in employment, both within the federal service and in connection with government contracts.

In March, the President established his Committee on Equal Employment Opportunity, giving it far greater enforcement powers than any predecessor agency. Under the leadership of Vice-President Johnson, the chairman, and Secretary of Labor Goldberg, the vice-chairman, the committee has persuaded 25 of the largest government contractors to take specific action to recruit, train, hire, and upgrade Negro employees.

The Labor Department has revised the procedures of the Public Employment Service and local employment service offices now are prohibited from accepting discriminatory job offers.

Within the Government itself, more than 50 distinguished Negroes have been appointed to top-level executive positions. These are men appointed not because they are Negroes, but because they possess outstanding qualifications for their jobs and for serving their country. They include Robert Weaver, the Administrator of the

Housing and Home Finance Agency; Clifton Wharton, United States Ambassador to Norway; and Judge Thurgood Marshall, of the Second Circuit Court of Appeals.

Many other Negroes also have been appointed to other important positions. Judge James B. Parsons of Illinois and Judge Wade H. McCree of Michigan are the first Negroes ever appointed to lifetime terms as United States District Court judges. Cecil F. Poole of California and Merle M. McCurdy of Ohio are the first Negroes ever appointed United States District Attorneys in the continental United States.

Meanwhile, the Civil Service Commission, the Department of State, Treasury, and Commerce, the Peace Corps and other agencies have undertaken active and extensive programs to recruit qualified Negroes for federal service both in this country and overseas. And regional conferences of federal personnel officials have been held in five cities to enhance employment opportunities for qualified Negroes in all regions, in all agencies and at all levels.

#### TRANSPORTATION

As the result of eliminating discrimination efforts by the Administration, substantial progress has been made in all three major modes of public transportation--bus, air and rail.

When the "Freedom Rides," designed to test desegregation at Southern bus terminals, resulted in violence last spring, the Administration moved vigorously and effectively to restore order in a highly explosive situation and prevented major bloodshed. The Government had clear responsibility to protect interstate travelers and to restore order when local officials could not or would not do so. Because of the Government's stand in Alabama, it was unnecessary to take further action a few days later when a similarly tense situation developed in Mississippi.

The Department of Justice ordered an immediate investigation by the Federal Bureau of Investigation when one of the "Freedom Ride" busses was burned in Anniston, Alabama. A Federal Grand Jury subsequently indicted nine men. In their trial in early November, the jury was unable to reach a verdict and plans are progressing for a second trial.

In June the Attorney General petitioned the Interstate Commerce Commission for regulations requiring desegregated facilities in terminals used in interstate bus travel. These regulations were issued by the ICC and became effective November 1. They have been complied with through most of the South. In some communities, however, local law has been given precedence. Consequently, the Department promptly filed four actions asking federal courts to order compliance with federal law. In one of these cases, a three-judge federal court already has declared three Mississippi travel segregation laws unconstitutional and as a result segregation signs were taken down in McComb, Mississippi.

In the railroad field, as the result of informal conversations this fall between the Department and the representatives of the principal railroads in the South, the railroads have agreed to desegregate all their terminals in a dozen Southern states.

In the field of air travel, the Department has filed suits in New Orleans and Montgomery, Alabama, to eliminate air terminal segregation. The air terminals at Columbus, Georgia, and Raleigh-Durham, N. C. were desegregated voluntarily.

#### SCHOOLS

In school intergration there has been a basic change in policy--in implementing the U. S. Supreme Court's desegregation decision from abstention by the Federal Government, except during crisis or disaster -- to affirmative and anticipatory action. The Administration has moved with vigor to protect the integrity of the court orders, to preserve the due administration of justice and to encourage and assist local officials and community leaders who are effective in promoting peaceful desegregation of the schools.

For example, last March the Department for the first time asked voluntarily to be a friend-of-the-court in four Louisiana cases involving segregation of trade schools. The Court granted the Department's request.

In another instance, in Prince Edward County, Virginia--the only county in the nation without public schools--the Department sought leave to intervene with virtually the same standing as a plaintiff in order to seek the reopening of public schools. White children there have gone to a newly created private school for two years. Negro children have, for the most part, been without schools. While the Department's request was denied, the case is progressing in the Courts.

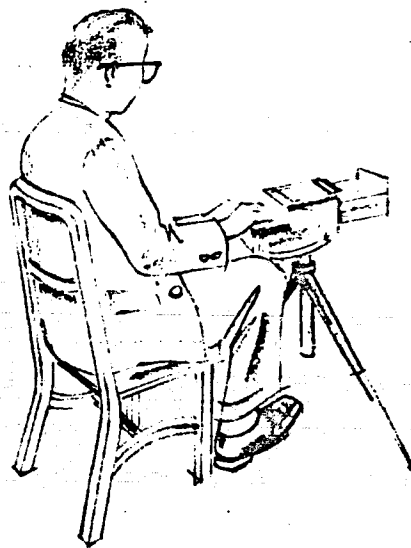
This fall, schools in many communities of the South, including those in the important cities of Atlanta, New Orleans, Little Rock, Memphis and Dallas, were desegregated and for the first time since the Supreme Court's desegregation decision in 1954 there was no violence or disrespect for the law.

The fact that an increasing number of children went to school under desegregated - and peaceful - conditions in the South is evidence of the responsible affirmative action taken by an increasing number of officials and civic leaders. Department officials worked informally with officials in these cities throughout the summer to help bring about peaceful school desegregation.

The President said that the peaceful integration of many schools in the South was "dramatic demonstration" of the progress in improving the position of American Negroes. The President congratulated Atlanta, Little Rock, Dallas and other communities in Arkansas, Texas, Florida, Virginia, North Carolina and Tennessee. Desegregation of the schools, he said, had "given the world a convincing demonstration of the American people's respect for the law which is fundamental in the maintenance of our rights as free men and women."

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PRESS BRIEFING

BY

ROBERT F. KENNEDY,  
THE ATTORNEY GENERAL OF THE UNITED STATES

AND

BURKE MARSHALL,  
ASSISTANT ATTORNEY GENERAL

- - -

Department of Justice

Washington, D. C.

- - -

FRIDAY, MAY 10, 1963

6:30 P.M.

- - -

THE ATTORNEY GENERAL: Burke just got back from Birmingham in the last hour or so, and he went down -- I don't know what day -- I guess Friday or Saturday --

MR. MARSHALL: Saturday morning.

THE ATTORNEY GENERAL: -- with Joe Dolan, who was involved in the matter down there, which he will discuss with you, but I talked to a number of the financial leaders of Birmingham today who were involved in making some of these decisions, as well as the Negroes, and they were all universal in praise for the work that he did, including Martin Luther King and those who negotiated with Martin Luther King, and all were unanimous that if he hadn't been there to bring them

together they wouldn't have arrived at the place that they arrived at according to the announcement at five o'clock this afternoon, that they couldn't have had the agreement that was made.

The agreement was made by local people through local efforts and willingness of local people to do these things, but I think, as I say, it is the unanimous feeling on both sides that if it hadn't been for his efforts and the work that he did it wouldn't have been possible. We couldn't have gotten the people to sit down, couldn't have gotten the people to exchange their views, couldn't have gotten an agreement, and the situation in Birmingham would be far different tonight than it is at the present time.

So I think he has performed a real function for Alabama, and Birmingham, and our people. With that, if any of you have any questions, he would be glad to answer them.

QUESTION: I believe he said he was going to make a statement for the record.

QUESTION: Were these remarks just now, Mr. Attorney General, on the record?

THE ATTORNEY GENERAL: Will it cause any difficulty in Birmingham? I will have to ask you.

QUESTION: Put them on the record.

THE ATTORNEY GENERAL: I will think about it during the course of the period of time.

MR. MARSHALL: Yes. I think the important thing is that, however helpful it was for us to be down there, the settlement that was reached was reached by the people down there. It couldn't have been reached by anyone else. And I think that for a city like Birmingham, that has a history of bad race relations, to have reached this kind of a community of understanding really over the course of a few hours in a severe racial crisis, is a tremendous step forward for Birmingham, and for Alabama, and for the South generally.

QUESTION: Could this have any ameliorating effect upon the situation that is coming up at the University?

MR. MARSHALL: Now am I into background or what?

THE ATTORNEY GENERAL: Yes, it is background.

QUESTION: I assume so.

MR. MARSHALL: The problem at the University is not a problem really of the people of Alabama or the people at the University; it is purely a problem of the Governor. It is all up to the Governor. It is all up to one man. If he wants to subject the University to economic, and social, and other interests of the State to irreparable, or at least long-standing, damage just by creating an incident at the University I suppose he can do it, but it is peculiarly up to one man.

I don't think there is any great, surging call by the people of Alabama for that kind of action. I don't know what effect this will have on it. The Governor doesn't like this



settlement.

QUESTION: He does not?

MR. MARSHALL: No, I don't believe so.

QUESTION: Mr. Marshall, how close did the situation come in Birmingham to the Governor stepping in with State authority?

MR. MARSHALL: I would say a day. I would say it was very close.

QUESTION: Could you pinpoint it, on which day?

MR. MARSHALL: The demonstrations stopped -- this is Friday -- on Wednesday. If they had gone on on Wednesday, I don't know whether we could have gotten through Wednesday, with full scale demonstrations, without the Governor stepping in and taking over.

QUESTION: What would that have involved, stepping in?

MR. MARSHALL: The National Guard, military.

QUESTION: Was that one of the arguments that you had to deal with in your efforts, the desire on both sides to keep the State from doing that?

MR. MARSHALL: I think the severity of the situation on not only on Tuesday, but on Monday, on Saturday, and on Friday brought home to everybody the need for reaching some sort of understanding.

I don't know, but I suppose the possibility of the

Governor coming in affected a lot of people.

QUESTION: Burke, could you give us a play by play of what happened after you got down there, whom you talked with?

MR. MARSHALL: Well, I don't think I can get into whom I talked with.

QUESTION: You don't have to identify them by name; just types of people. American types of things that seemed to be effective.

MR. MARSHALL: The problem on Friday a week ago was that no one in Birmingham knew what the Negroes wanted because there was no real channel of communication open at all between the Negro leaders and anyone in the city, and so there were these demonstrations going on and a very massive scale and really nobody knew what they were about.

I don't think most of the demonstrators knew what they were about and I don't think that any of the white people knew what to do about it in the sense of what demands were being made that could be satisfied, so it was a very frustrating situation.

THE ATTORNEY GENERAL: It is really a key point because originally when we got involved nobody knew whether the demonstrators were demonstrating against the city because of these ordinances, or against the Government, or trying to get something for the city to do.

It was even as basic as that. So in fact there wasn't even a discussion, or conversation, or dialogue back and forth.

QUESTION: Was there a demand?

MR. MARSHALL: Not really, no. The first thing I did on Friday over the telephone was to try to find out what they wanted and then try to communicate to the white people that were involved what they wanted, what it was.

QUESTION: Did what they want come as a surprise to the white community?

MR. MARSHALL: Well, I don't think that they really concentrated on anything except the existence of demonstrations in the white community. I think that was the problem. There were a lot of demonstrations and there was the danger of violence resulting from that, and they were thinking about that fact and not what caused the demonstrations, and they concentrated on the leader and the fact that Martin Luther King wasn't from Birmingham and he was from outside the city, and they thought about that in emotional terms as if it were all purely a question of outside agitators and not a result of the situation in Birmingham itself, so they didn't I don't think, at that point think about what needed to be satisfied.

They thought, of course, in terms of a police situation.

QUESTION: After you conveyed these needs or these

desires to the white community, were they resistant at first to granting them?

MR. MARSHALL: Well, I think there was a general development of recognition of the need to do something to meet the needs of the Negroes and not just to try to arrest everybody in sight and get Martin Luther King out of town.

I think that was just a growing recognition between Saturday morning and Tuesday afternoon when the situation really broke.

QUESTION: Burke, as of Friday, were the Negroes communicating about what they wanted?

MR. MARSHALL: I wouldn't think so. I think it had been pretty vague most of the time.

QUESTION: What was the general attitude towards you as a negotiator?

MR. MARSHALL: I think that everyone I saw was really glad to have sort of a catalyst there to help them out. They didn't know what to do. They didn't have any channel of communications open.

No, there wasn't any resentment, in other words.

QUESTION: I wasn't thinking of that. Were you welcome?

MR. MARSHALL: Yes, I think so. I think the situation was very unwieldy, but I think they wanted to do something about it. I think so, yes.

QUESTION: If I may inject again, I got a call a couple of hours before he got there as to whether he was going to get there and they were anxious for him to get there.

THE ATTORNEY GENERAL: I might say there were suggestions before he went down by some leaders in the community that it would be helpful if he went down, and before he left we made sure that they would like him to come, and those who were intimately involved in the matter and had a good deal of responsibility in the community urged that he come down. That includes some very important people.

QUESTION: Leaders on both sides?

THE ATTORNEY GENERAL: No; the people on the white side.

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QUESTION: Was that initiated by them, or in response to an offer by you?

THE ATTORNEY GENERAL: No, I think we had had conversations once the demonstrations began and we were talking back and forth, and I don't know how it came up, but in the course of this it was felt that it would be helpful if Mr. Marshall came down.

QUESTION: Mr. Marshall, if they had not had this present difficulty between who was in authority, governmental authority down there, if Commissioner Conner were not still in power, would your task have been easier?

MR. MARSHALL: You mean if the new city government was already there?

QUESTION: Yes.

MR. MARSHALL: Well, the situation would have been so different you can't tell. In a way the ambiguity of having two governments down there made it easier on all the political officials of the city. They sort of couldn't take any position, and so in a way that made it easier for me, I think.

QUESTION: Easier for them to evade the responsibility?

MR. MARSHALL: Easier for them to attack the negotiations.

QUESTION: What do you think the effect would be on the agreement announced today if the Alabama Supreme Court would declare Conner and his group still in office?

MR. MARSHALL: Well, I think that it would make it more difficult for everybody, but it wouldn't upset it.

QUESTION: Do you think the stores would go ahead?

MR. MARSHALL: Yes, I think so. Conner said himself that he wouldn't interfere with the stores if they wished to serve Negroes. He put it in a rather unfriendly fashion, but that is what he said.

QUESTION: Could you tell us what the rest of your role was? You said the first thing you did was to find out, on the telephone what the desires of Negroes were and to try to communicate those to the Whites. What were the rest of your actions?

MR. MARSHALL: Then I suggested to some people down there that they ought to get together, the immediate group involved, which were the store owners, and tell them what the Negroes wanted, to see if they wanted to move towards meeting, and so they met on that and then I arranged for a group of local Negroes to start talking about what they wanted and that started negotiations on Saturday.

QUESTION: Talking with the store owners?

MR. MARSHALL: Yes.

QUESTION: Was this a private home or what?

MR. MARSHALL: I don't think I better get into that.

QUESTION: Do you think the danger of explosion is now past, or could there be another crises when integration

begins?

MR. MATSHALL: Well, Birmingham has a long history of very deep racial problems and there is a great deal of resentment and a lot of people are awfully emotional about it. It is something that everyone down there has to continue to work on awfully carefully. It is not an easy thing to do. It is not an easy thing to do even once the settlement is reached. It has to be done carefully.

QUESTION: Do you think weathering the crisis of the past week is going to make it less likely that there will be an explosion later?

MR. MARSHALL: Oh, yes.

QUESTION: In that connection it is obvious in Atlanta there were present at least some hard feelings, which made for the situation that prevailed in Atlanta, but what has been absent in Birmingham over the years? Has there been no leadership around which moderate men could rally?

MR. MARSHALL: That is right.

QUESTION: What is the missing element?

MR. MARSHALL: That is it. There had been until about a year and a half ago virtually no moderate leadership and even then when it started it was not open.

QUESTION: In the use of police dogs, fire hoses, and so forth, was there no violation of civil rights?

MR. MARSHALL: Well, there were some instances of



policemen that I think we are going to investigate, but there isn't any general violation of civil rights, no, in the police dogs. They use them in many cities. I think it is a very bad practice.

QUESTION: You mean some individual policemen may have violated some rights.

MR. MARSHALL: Yes.

QUESTION: And this Department will investigate?

MR. MARSHALL: Yes.

For example, Dick Gregory charges that he was beaten by some officers in the jailing and we are investigating that.

QUESTION : How many policemen would be involved?

MR. MARSHALL: There aren't too many who are charged with that.

THE ATTORNEY GENERAL: A lot of the people and policemen and the people in the sheriff's office acted very well and handled themselves very well and kept their heads and used very good judgment.

QUESTION: How does that fall under a Federal jurisdiction?

MR. MARSHALL: There are two of the reconstruction statutes that deal with police brutality basically. Over the course of years they have come to deal with police brutality.

is Sections 241 and 242 of Title 18.

QUESTION: What were those sections?

THE ATTORNEY GENERAL: 241 and 242 of Title 18.

QUESTION: In candor, did Gregory's presence help or hinder?

MR. MARSHALL: I don't think it had any effect one way or the other.

QUESTION: Mr. Marshall, this is probably an unfair question, but could you assess what has all this trouble meant in terms of getting the vote for the Negro down there?

THE ATTORNEY GENERAL: I think in fairness to Dick Gregory it indicates that to the Negroes his interests and his commitment, and his cause and he has been associated with it, so that although you can't say Dick Gregory coming down and getting involved in it made a difference in the result there, it indicated to the Negroes there and the Negroes around the country that there were people who were in important positions in the Negro community that were vitally concerned with the future of the people, so I didn't want it to go out that Dick Gregory means nothing to them.

MR. MARSHALL: It is a moral factor particularly in jails.

QUESTION: When did the Negroes crystalize any demands?

My question, please.

MR. MARSHALL: What was the question again?

QUESTION: In the firm analysis, what has this meant in terms of votes for the Negro, all this trouble down there?

MR. MARSHALL: Votes for the Negro?

QUESTION: Yes. I mean ability to register.

MR. MARSHALL: Well, I think now that this matter is settled, at least settled for the present, anyway, that a lot of the energies, and enthusiasm and new spirit that has been in the Negroes down in Birmingham as a result of all this is going to be channeled into the voter registration. That is very healthy if it works that way. I think there is an intention to do that.

QUESTION: After you got negotiations started, as you said before, got the two sides to meet, and wherever it was, what did you do then?

MR. MARSHALL: Well, there were a number of meetings and as it progressed it became necessary to have the backing of a much larger segment of the business and economic community down there so the meetings grew and it just progressed from meeting to meeting.

QUESTION: I meant what did you do in the meetings? Did you actually take an active part in the meetings themselves?

MR. MARSHALL: Yes. Well, I tried to be helpful --

QUESTION: Were you the chairman?

MR. MARSHALL: No, no.

QUESTION: Who conducted the meetings, Mr. Marshall?

MR. MARSHALL: There were a number of them and some were not conducted by anyone and some were. Some were formal.

QUESTION: Where did they have them?

MR. MARSHALL: Where?

QUESTION: Yes, sir.

MR. MARSHALL: They were held in different places.

I mean there were meetings of businessmen that were all white. Then there were bi-racial negotiations meetings. I had a number of meetings, along with a few other people with some of the leaders. Dr. King didn't participate directly in negotiations, for example. Negotiations were between local Negroes and local white people.

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QUESTION: Was there any talk about the charge that Reverend Shuttlesworth made a couple of weeks ago when he was here when he said that a year and a half ago he had met with the community leaders there and they had developed a program around which they were going to work, that white community there reneged on the results of this?

MR. MARSHALL: I don't know. That is what Fred Shuttlesworth said, and the whites deny that there was any breach of the agreement, and, see, if you have a meeting and you discuss nothing except what happened nine months ago you don't get any where, so that that was one of the problems in getting anywhere, but my feeling about that issue is that it was a waste of time to discuss it, that what you ought to discuss in negotiations like this is the immediate situation and not what happened months ago, so there was a lot of talk about that, but I never thought it was very fruitful talk, and they finally got over the bitterness that those charges and countercharges engendered.

QUESTION: Do you think that this agreement could have been reached by any other method than by demonstration?

MR. MARSHALL: The agreement that was reached?

QUESTION: Yes.

MR. MARSHALL: I think that the city of Birmingham, speaking generally, and I mean business leaders, the new city government, which of course hasn't take office -- at least its

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right to office is still under litigation -- had made a lot of plans for programs that involved dealing with the racial situation in Birmingham, particularly because there is a school suit there, so that I think that the city was prepared to take steps.

I don't know that the city was prepared to take these steps at this time, so I think the demonstrations probably speeded up the process a lot and in that sense accomplished something.

QUESTION: You said when you arrived there there was an absence of moderate leadership.

MR. MARSHALL: No, no, no, no. I didn't say that. No; I said there was a lack of communication and that in the past over the history of years in Birmingham, there had been a lack of moderate leadership, but I don't mean moderate leadership appeared from no where on a Saturday morning.

It had been functioning for the past year and a half.

QUESTION: You said it began to develop for a year and a half?

MR. MARSHALL: Yes.

QUESTION: Does that mean through the new Mayor's group? Is that what you mean by the new moderate leadership?

MR. MARSHALL: No, no; within the businessmen.

THE ATTORNEY GENERAL: And the efforts of the

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newspapers.

MR. MARSHALL: And the efforts of the newspapers.

QUESTION: When you talked to the white leaders, I suppose there was always the fear on their part that the State would move in, but can you describe for us what was your argument about, why it was in their interest to come to an agreement? What was your clout in this situation?

MR. MARSHALL: Well, as I say, there is a tendency for the people in southern cities quite often, where they haven't really faced up to this problem, to blame demonstrations, and unrest, and racial strife on particular leaders and think that the whole problem will go away if the leaders go away, which isn't true, and so I think, as in all these cases, that what they have to do is look at something to alleviate the problem and not just complain about the leaders of the Negroes, so that was a basic point, I think, to get across.

QUESTION: May I just follow this up? Did you ever use the economic approach?

MR. MARSHALL: They had a choice. They could either do something or they could fight. Now, if they fought, obviously, I think, by Saturday, and it became even clearer as Monday and Tuesday came along, they were going to end up with the military in the city, and suppression, and a black eye throughout the world as throughout the country.

THE ATTORNEY GENERAL: Real violence.

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MR. MARSHALL: Violence, and as far as the economic development of the city is concerned, getting people to move down there and new business and new management, or young executives or anything that you want to have a city grow, would set it back for at least a decade, probably more, immeasurably set it back, so that the alternatives were to do something about the needs which were real, or else just to ruin the city; at least, I think so.

QUESTION: How does the Department feel about the tactics used in this case in which a city ordinance was violated to gain some goals that the Negroes wanted and which threatened and hung over the head of the city that if the city did not agree, future law violations would continue?

MR. MARSHALL: It is awfully difficult. What the Negroes were doing basically, of course, basically, were protesting the situation, and the situation that they were protesting should be protested.

They were denied Constitutional rights. They were denied their basic rights of human dignity. They were allowed to go in and buy things in stores and not allowed to eat in the stores and spend their money, not work in stores; to the situation was unjust.

When the demonstrations started in Birmingham, even though they were not large scale demonstrations, they were picketing in a rather small protest. All those were throttled,



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in the sense that the picketers were immediately arrested and there is no outlet, so that it isn't as simple as saying that there was a violation of a city ordinance and the threat of continuing to violate local laws. It was a basic protest.

QUESTION: Was there any vocal recognition by people you talked to of these denials which you have just enumerated, or was the solution based strictly on one of economic disadvantages to the city?

MR. MARSHALL: No; I think that the economic disadvantage to the city played a big part, but I don't think that's all there was to it.

QUESTION: But you think that was secondary to recognition by the city fathers of a denial of Constitutional rights to these Negroes?

MR. MARSHALL: I don't think you can generalize. I think different city fathers felt different about it and one motive was higher in some of their minds than the other, but I think there was a basic recognition by a lot of people down there when they thought about it and got off the idea that people were coming in from the outside and stirring up trouble, once they got off of that thought and thought about the situation, I think that there was a recognition that the Negroes there were really demanding something that wasn't so unreasonable, to have a cup of coffee at a lunch counter or work in a store where they spend a lot of money all the time,

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job opportunities.

I think there is a universal recognition of the economic needs by these business leaders. That is something very easy to understand and a lot of them are covered by President Kennedy's order on employment, anyway, so that they had some appreciation of those things.

QUESTION: Do you and the Attorney General still think in view of the end result that it was wrong for King to employ mass demonstrations?

MR. MARSHALL: I didn't say I thought it was wrong in the first place.

QUESTION: It has been my impression that the Attorney General thought the whole strategy was wrong, that it was pushing too hard. Would you still say that was true?

THE ATTORNEY GENERAL: I said I thought the timing was questionable because of the fact that the new city government was coming in.

MR. MARSHALL: You see, these demonstrations started the day after election of the new city government, so it did start at a time in which the new city government hadn't had a chance to take office and hadn't had a chance to even have presentations made to them.

QUESTION: What is the possibility that these tactics will be used elsewhere?

MR. MARSHALL: I think there is a good possibility.

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QUESTION: Did you say that Dr. King wasn't present at any of these meetings, and whose idea was this? Was this his own idea, or perhaps your idea, or whose idea?

MR. MARSHALL: No, I didn't say he wasn't present at any of the meetings. I am sorry. I said there were lots of different kinds of meetings and some were all white, and some were all Negro, and some were negotiating by racial committees, and some were basically the Negro leaders with just a very few white people.

QUESTION: What I am getting at is was he present at any of the meetings with the white leaders in Birmingham?

MR. MARSHALL: He was not present at basic negotiating meetings between the white business leaders and the Negroes. Those were between local Negroes and local white people.

QUESTION: Mr. Marshall, I am confused about two things which seem to be still hanging. Are the sentences still applicable to the Negroes who were released from jail? That is one point. And what is going to happen to the school children? Are they going to be taken back under suspension, or are they going to be dismissed? Are those things resolved?

MR. MARSHALL: The answer first is "yes", that the sentences have been set aside. That was the question?

QUESTION: Yes.

MR. MARSHALL: And the answer to the second question is that that is not clear yet.

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QUESTION: Are the mothers a key factor in this? Do they take it very strongly if their children are not permitted back without prejudice?

MR. MARSHALL: It is awfully hard for me to answer. I would think so. I would think that they feel strongly about it, but there is no basis for me. I mean you have as good a judgment on that as I have.

QUESTION: The reason I ask is because the Board of Education sought an injunction against Reverend Shuttlesworth this afternoon.

MR. MARSHALL: Yes.

QUESTION: I understand there could be a real bone of contention if this is not settled in an amicable way.

MR. MARSHALL: No, I think it is a problem.

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QUESTION: When did the Negroes come up with the four points and when were they presented to the White leaders?

MR. MARSHALL: I am not sure. I mean the times so run into each other I am not sure. I think on Monday those four points in mimeographed form.

It may have been on Saturday.

QUESTION: Are you going back, Mr. Marshall?

MR. MARSHALL: I may go back for a day.

QUESTION: Is Mr. Dolan going with you?

MR. MARSHALL: He is still down there. He will come back tomorrow.

QUESTION: Thank you, Mr. Marshall.

QUESTION: Did you decide about your statement?

THE ATTORNEY GENERAL: Yes. I just think it is all right to emphasize and cover what Mr. Marshall said, to emphasize what he said at the beginning that this couldn't be done except for the fact that you had negroes and white people, both of good will, who are willing to sit down and get this thing discussed, and usually demonstrations gave emphasis to this.

QUESTION: You mean we can quote you and quote him on that?

THE ATTORNEY GENERAL: Mr. Marshall and I got into the details of his trip down there. I would think what struck both of us and really struck anybody who had any

association or identification with this at all was the fact that people were prepared to sit down and try to get these things resolved. There is a lesson that can be learned in other communities, whether it is in the North or the South as to the importance of this and that the alternative is going to be great violence and it is going to be turning these matters over to extremists on both sides, the ones that think Negroes shouldn't wear a tie and that can't discuss them without using a swear word, and those on the other side think that white people have mistreated Negroes for such a long period of time that violence should be used against them.

QUESTION: I wonder if I could ask one more question.

MR. MARSHALL: Yes. I just want to finish this point because I think that the important thing is really we are going to have more of these problems in the future and the important thing is not just what Mr. Marshall did in Birmingham or the fact that they have peace there, but what it is going to mean for the rest of the country over the period of the next decade, and the next 12 months, really. All of us in all sections of the country have great lessons to learn in the importance of getting a dialogue going between the people in the North and the South, the people in the South and that picture in the papers of a Negro attacking a dog and

the policeman with a knife and with a bottle, and they don't show that picture up in the Noarth. They show the picture of the dog attacking the Negro, so the result is you are not really almost talking about the same thing on the same platform and we really have to start having greater exchanges, and greater meetings, and points of view so that a Southern Senator can talk to Mr. Marshall, the Attorney General or Southern Governor, and not lose votes for him, and a white democratic politician can say something nice about some Southern leader and not feel that that is going to lose him the next election. That is in our judgment what is missing at the present time, in the United States.

QUESTION: Can we get this straight? Are we on the record?

QUESTION: This last one about Mr. Marshall?

THE ATTORNEY GENERAL: The first statement. All the nice things about Mr. Marshall are on the record.

QUESTION: I understand that, but are you going on to tell us you don't want to emphasize only that, but the importance of conversation together.

THE ATTORNEY GENERAL: Yes.

QUESTION: Is that on the record, or off the record?

THE ATTORNEY GENERAL: On the record.

QUESTION: The dialogue bit?

MR. MARSHALL: Could I say one other thing along

that line.

I think it shows the importance of the thinking of the problem in a particular city in terms of the specifics. The whole people can't just get anywhere if they just think that a lot of Negroes are raising Cain and that the Negroes can't get anywhere if they just think of the demonstrating without a purpose in mind. You have to think what do they want, and quite often, usually what they want is not at all unreasonable but is entirely justified, and when you think about it in those terms then it can be settled without great racial clash.

QUESTION: Could somebody explain to us in layman terms after this these two reconstruction statutes?

QUESTION: You can find them out there. They add up in very general terms to say it is a crime to violate people's constitutional rights. It is just about that vague.

MR. MARSHALL: The usual situation is this: That if a cop beats somebody up he is punished. A person can't be constitutionally punished by a cop. He has to be punished by a court. The court tries him for what he did and the cops beat him up, that violates his constitutional rights.

QUESTION: What about sessions called by Mr. Dolan, and so forth, to help you down there?

Very often efforts were made at getting in touch with people.



MR. MARSHALL: They were helpful.

QUESTION: Did you express Dick Gregory's charges?

MR. MARSHALL: Yes.

QUESTION: What was the largest attendance at any meeting down there?

MR. MARSHALL: About 60.

... Recessed at 7:35 p.m. ...

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